

Excerpt from the Newsletter of the State, Court, and County Law Libraries Special Interest Section of the American Association of Law Libraries, v. 29, #3, Fall 2003:

Charley's Corner:

Am I spending too much time planning for a new building?

by Charles R. Dyer, Director of Libraries, San Diego County Public Law Library

Nothing in this column represents the view of my Library or its Board of Trustees. These are just my personal opinions.

The San Diego County Public Law Library is one of several SCCLL libraries who have contracted with West CRS, the new division of Thomson West created from the purchase of Court Record Services in January 2003. We have contracted to get our briefs collections scanned into PDF format and microfilmed from the PDF files in archival silver halide film. The PDF briefs files are available through West's Litigator Service. West CRS is also sending large amounts of these files to India electronically, where they are digitized for direct use in Westlaw.

West CRS is scanning some 330,000 pages a day. The California appellate courts briefs collection they are getting from my library represents about 9 percent of the total production. Given that a ten-page appellate opinion usually has at least two lengthy briefs (sixty-page limit in California), plus jurisdictional briefs, amici curiae, etc., etc., and that California has about 11 percent of the country's population, I estimate that the total digital content of the briefs we send them to be approximately the size of the National Reporter System. Plans are to be complete from 1996 on, to keep current, and to go back retrospectively eventually, perhaps more selectively. We already are sending them briefs from 1,200 notable cases between 1987 and 1996.

In order to do this, when Thomson West purchased Court Record Services, they nearly doubled the staff to about sixty and added some high speed equipment. One heavy duty scanner from Germany costed about \$500,000, and I believe it handles about one-fourth of their production. Other, more specialized materials, require more human effort and slower scanners.

The investment is certainly significant and required a major change in thinking among Thomson West executives. They now cover both fast delivery by PDF and libraries' archival needs, as a matter of course. They don't edit the material, like they have for appellate judges for decades. You see what the court saw. The digitizing process is just an OCR scan with several layers of human quality control.

Thomson West already has the federal courts and several big states and is presently going around, looking for other states' briefs. I have suggested that they enter the recording and distribution of sovereign Native American law and look at getting rights to electrical and building codes. Eventually, I can see them adding city and county ordinances, maybe even the minute books.

A couple of days ago, I saw a broadcast list serve notice that there is an RFP out to replace the

California government depository system with, you guessed it, a scanned PDF and microfilm version. At our library we are adding catalog records of federal depository documents available in PDF. Since our online catalog is web-based, you just click the link and it arrives at your PC. (For a demonstration, go to www.sdcpll.org and enter "State Law and Published Ordinances Firearms Online" or one of our 200 other titles, then go to it through the link.) Many county law libraries are thinking of cancelling their legal periodicals and subscribing to Hein Online.

I bring all this to you not just as an ad for Thomson West, but to note that this trend is finally taking hold in a big way. Things are now cheap enough that large digitizing projects have real commercial viability. This movement portends great change for all of us.

For the last few years, we at SDCPLL have seen our user population change. Attorneys now visit us much less often, as even the solo practitioners can get cases and statutes online at their offices. Self-help litigants are increasing, and demanding more computer services. The relevant parts of the book collection now seem to be either those materials too esoteric to be worth putting online, such as superseded statutes and local codes, or those materials best suited to reading in book form, such as treatises and subject searches in statutes. Scanning into PDF format may well take care of the former. It will happen sooner for the non-copyrighted materials, but eventually it will happen to all of them.

Will treatises go in the same direction? Already, business travelers are downloading novels into their Palms and Pocket PCs for reading on the plane. E-books are ugly, but will they stay that way forever? Or perhaps printers will get fancier and smaller and enable us to cart them around like books. After all, the most convenient size for a book is not 8.5 by 11, but pocket book size. What's to keep us from printing a chapter of a treatise, or even a chapter of statutes, and putting it in a pocket book sized ring binder.

Of course, copyright and a fair return to the author and publisher must be considered. In fact, it is probably that which will most likely keep the public law library in existence, in part. As the local public law librarian, I will write a WAN type contract between the library and the publisher, allowing patrons to use an electronic treatise by showing some kind of valid connection with the library (membership group, residence, etc.) which puts that person within the class of people that I used in bargaining the rights to the book.

All the books are accessed through the online catalog. Those patrons who have paid a special price (e.g., an annual membership in the library) can get a password and access the book electronically through their office PCs by dialing into the library's catalog. Other patrons might be able to pay a one-time fee to access the same book, not as high as an annual membership, but higher than the average cost per book for the typical member's use. Reference librarians would, of course, be available through chat room reference, or perhaps by computer video.

So how do I plan for the next law library building? What will we need? Of course, there will be some books, but only those books that are used often enough that it makes no sense to print them out each time they are used. But these would only be used by the librarians and those few individuals who actually come to the library. I guess we might need classrooms. At the San

Diego County Public Law Library, we do a very large amount of class teaching to self-help litigants and some for attorneys as well. But in ten years, the average joe, steeped in online training classes and video conferencing, may think it rather quaint to have to come down to the library to take a class. Perhaps we need studios more than classrooms. Perhaps the librarians start telecommuting, and we need only supply them with those few books needed so badly, a computer with video and a fast phone line. (What are those books anyway?)

The greatest irony of all this is that I started looking into doing something with the California briefs because I knew that building space for them in a new building would eventually be as costly as scanning and filming them. We in San Diego have been looking at replacing our Main Library, a 35,000 square foot building with old-style stack floors and reading rooms. The concrete is so thick, it used to prevent cell phone reception, but they are getting better now and we had to impose the rule. I had been looking at helping finance the new building by building a parking garage with it, as lack of parking is our biggest complaint. But if everything goes into PDF and librarians are calling in their work and the patrons are online, too, I think the technology has changed our needs.

Taking this thinking a step further, I am wondering whether in ten years we will need to be downtown at all. I could put some ports in the courthouse so that people could plug in quickly into the Library's website, for those last-minute things. We could get a van and take people downtown *en masse* for those meetings with court personnel and county officials. Might as well get an electric one. Of course, the urban irregulars we get would have to find another venue.

Taking this another step further, I am now trying to figure out why the San Diego County Public Law Library would have to be located in San Diego County. Many lawyers now get much of their reference service provided by Westlaw and Lexis Nexis. The county law libraries in California are already sharing duties staffing the chat room reference service provided through the Council of California County Law Librarians, with a link to us from the California courts' self help website at <http://www.courtinfo.ca.gov/selfhelp/>. Are there enough local things, such as local ordinances and court rules, to justify local expense, as opposed to a central statewide reference office?

Of course, these speculations are a long way away. Undoubtedly, I can come up with reasons for there to be a local public law library in ten years, if I think about it long enough. Perhaps, it's as simple as: Some people are just going to have to see a reference librarian face-to-face in order to get their work done.

To conclude, I just wanted to note that the developments at West CRS and elsewhere, while perhaps not news technologically, are important events in law publishing and eventually law librarianship. The technology has been there, but the machines are getting cheaper and faster. Now the economics are beginning to change. So, perhaps in a few years, the buildings will change, too.

You may send me your thoughts. Please keep curses and vitriol out of the subject line, so I can more readily distinguish it from spam. Thanks. cdyer@sdcpll.org